



MARK GOTTLIEB

Speaker Pro Tempore
Wisconsin State Assembly

**Testimony by Rep. Mark Gottlieb
Senate Bills 134 and 135
Senate Committee on Labor, Elections & Urban Affairs
May 15, 2007**

Senate Bills 134 and 135 were developed by the Legislative Council Special Study Committee on Municipal Annexation in 2004. I would like to describe the work of the committee and the resulting bills.

The principal goal of the committee was to reduce annexation disputes and the cost and delay that they can cause. The committee attempted to achieve this goal by encouraging the development of voluntary cooperative agreements between cities, villages, and towns.

Our review of current law found three specific statutes that are used for such agreements.

66.0301 – Intergovernmental Cooperation

Although this statute authorizes intergovernmental agreements, there is doubt that it gives authority to alter or protect boundaries. However, because of the complexity of the other boundary adjustment laws, it has been used for that purpose. SB 134 retroactively authorizes that practice, and specifies how the section may be used for future boundary agreements (and in doing so, provides another tool to address boundary disputes cooperatively).

66.0225 – Boundaries Fixed by Court Judgment

This statute allows communities in a lawsuit to stipulate their boundaries. Some evidence suggests that lawsuits have been commenced simply to allow this process to be used. To minimize this, SB 134 limits the application and scope of the section while specifying that boundaries in contested boundary actions, other than annexation, may be stipulated only pursuant to formal boundary agreement procedures.

66.0307 – Cooperative Boundary Agreements

This is the primary boundary agreement law. It has been criticized for being overly complex, costly, and time consuming. SB 134 considerably simplifies this process and reduces the time frame for approving the cooperative plan. The committee believes these changes will result in greater use of this process. SB 134 also provides a procedure for a municipality to petition for development of a cooperative plan through a mediated process if an adjacent municipality declines to participate in negotiations when first asked to do so.

The bill also requires DOA to make available on its public website a list of persons who have identified themselves as professionals qualified to facilitate alternative dispute resolution of annexation, boundary, and land use disputes.

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The second bill SB 135, extends the DOA advisory review of annexations initiated by electors and property owners to include those annexations commenced in any county, not only those commenced in counties with a population of 50,000 or more. Additionally, for annexations over 20 acres, it requires DOA, in making its advisory public interest determination, to consider the impact of the annexation on the tax base and property taxes of the annexing city or village.

While some may have hoped for more substantive changes to annexation law, the committee believes that the recommendations included in this bill can significantly reduce the number and cost of annexation disputes.

Last session Senate Bill 134, then SB 460, unanimously passed the Senate Veterans, Homeland Security, Military Affairs, Small Business and Government Reform committee but did not make it to the floor in time for a vote. SB 135 (SB 461 last session) passed the Senate 33-0 and was referred to the Assembly Committee on Urban and Local Affairs.

Legislative Council staff is here to assist in answering any questions you may have. I hope you will give favorable consideration to these bills.



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To: Senate Committee on Labor, Elections and Urban Affairs
From: Curt Witynski, Assistant Director, League of Wisconsin Municipalities
Date: May 15, 2007
Re: Support for SB 134, Municipal Boundary Agreements

The League of Wisconsin Municipalities supports SB 134, which is compromise legislation making it easier for municipalities and towns to enter into boundary agreements. The bill addresses: (1) the determination of common municipal boundaries by agreement; and (2) the use of alternative dispute resolution (ADR) in annexation and other boundary disputes.

We appreciate Rep. Gottlieb's efforts last session at forging a compromise proposal that creates a process by which towns can petition a municipality to participate in mediation about boundary issues. Among other things, the bill:

- ❑ Simplifies the current cooperative boundary plan requirements of s. 66.0307, Stats., by substituting a general requirement for consistency with a comprehensive plan for the current detailed planning requirements. *(This is a League initiated change.)*
- ❑ Reduces from 120 to 60 the minimum number of days that must pass, following the last authorizing resolution by a participating municipality, before the public hearing on the proposed cooperative plan may be held. *(This is a League initiated change.)*
- ❑ Establishes a specific procedure for common municipal boundaries to be determined by agreement under s. 66.0301, Stats. In addition to determining common boundaries, an agreement under the procedure may include any other provisions municipalities are authorized to agree to under s. 66.0301 and under s. 66.0305, Stats., such as agreements to share revenues. Once an agreement expires, all provisions of the agreement expire with the exception of boundary determinations, which remain until subsequently changed. The maximum term of an agreement is 10 years. *(This is a League initiated change.)*

This is the type of compromise legislation that the legislature should advance rather than controversial and one-sided bills like the charter towns bill. We urge you to recommend passage of SB 134. Thanks for considering our comments.